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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

LAURI VALJAKKA,

Plaintiff,

v.

NETFLIX, INC.,

Defendant.

Case No. 4:22-cv-01490-JST

**DEFENDANT NETFLIX, INC.'S  
OPPOSITION TO MR. VALJAKKA'S  
"EMERGENCY MOTION" SEEKING TO  
HAVE MR. VALJAKKA'S ATTORNEY  
PROVIDE PREVIOUSLY UNDISCLOSED  
TESTIMONY ON HIS BEHALF AT THE  
PRELIMINARY INJUNCTION HEARING**

Judge: Hon. Jon S. Tigar  
Date: September 21, 2023  
Time: 2:00 p.m.  
Crtrm: 6 – 2nd Floor

1 Netflix opposes Mr. Valjakka's Emergency Motion, filed the day before the preliminary  
2 injunction hearing, to permit his attorney, Onni Hietalahti, to appear as a witness on Mr. Valjakka's  
3 behalf at tomorrow's hearing, given that (i) Mr. Valjakka announced the proposed testimony for the  
4 first time today, the day before the hearing, (ii) Mr. Valjakka failed to file any testimony from this  
5 attorney in a declaration in connection with his Opposition to Netflix's Preliminary Injunction  
6 Motion, (iii) Valjakka only disclosed the (vague) general subjects of said attorney's testimony in its  
7 Emergency Motion, which does not provide Netflix with an appropriate opportunity to prepare for  
8 and respond to the anticipated testimony, and (iv) said attorney serves as an attorney in this matter.

9 On August 21, 2023, Netflix moved for a preliminary injunction. Dkt. No. 127.

10 On September 4, 2023, Mr. Valjakka filed an Opposition to Netflix's Motion. Dkt. No. 143.  
11 In support of its Opposition, Mr. Valjakka filed a declaration on his own behalf. Dkt. No. 143-1.  
12 Mr. Valjakka *did not* file a declaration from Onni Hietalahti.

13 This morning, a month after Netflix filed its PI Motion, three (3) weeks after Valjakka filed  
14 his Opposition, and the day before the preliminary injunction hearing, Valjakka informed Netflix  
15 that it would be filing an "emergency motion" seeking permission to call Mr. Hietalahti as a witness  
16 the next day at the preliminary injunction hearing. Mr. Valjakka did not inform Netflix as to the  
17 purpose or substance of Mr. Hietalahti's testimony. Netflix stated that it would oppose.

18 It is entirely improper to file an "emergency motion" the day before a preliminary injunction  
19 hearing seeking to have an attorney in the case serve as a witness. It is particularly improper where  
20 said witness did not submit a declaration in support of Mr. Valjakka's Opposition, was not proffered  
21 for deposition, and is Plaintiff's attorney in this case.

22 In his June 1, 2023 deposition, Mr. Hietalahti appeared on behalf of Mr. Valjakka. As such,  
23 Netflix asked Mr. Valjakka to explain why the previously unknown attorney was appearing. Mr.  
24 Valjakka explained that Mr. Hietalahti was his personal attorney and his attorney in this matter:

25 Q. And Mr. Hietalahti is not your attorney for this case; correct?

26 A. He's my Finnish attorney and, of course, supporting me with -- with every cases I have.  
27 So he is here and working together with me and Bill Ramey.

28 Q. Is he your personal attorney in Finland?

1 A. Yes, and the lawyer of CDN Licensing simultaneously.

2 Q. Has Mr. Hietalahti been involved in this litigation?

3 ...

4 A. Well, he -- he's my lawyer, and -- and Bill Ramey is my lawyer, so -- in the United States.

5 ...

6 Q. Okay. Okay. So before today, when did you last meet with Mr. Ramey to prepare for this deposition?

7 A. I think we had a Zoom call yesterday.

8 Q. How long did you speak for?

9 A. Maybe for one hour or so.

10 Q. Was anyone else present on that call?

11 A. Yes. Mr. Hietalahti.

12 Valjakka Depo Tr., Dkt. No. 127-2, at 13:22-15:14.

13 Further, the rationale Mr. Valjakka gives for needing an emergency motion is that Mr.  
14 Hietalahti's testimony was purportedly made necessary by Netflix's filing of three (3) pages of the  
15 deposition transcript of Mr. Valjakka's damages expert. Emergency Mot., Dkt. No. 169, at 2:18-18.  
16 The explanation is not credible on its face. Mr. Valjakka's damages expert admitted that Mr.  
17 Valjakka owns CDN, controls CDN, and that the value CDN (Valjakka) paid for the patents is not  
18 commensurate with the actual value of the patents. Dkt. No. 167-1. Those exact same arguments  
19 were made in Netflix's PI Motion, filed one month ago. Dkt. No. 127, at 9:5-18, 11:25-12:4.  
20 Valjakka is without justification for his Emergency Motion.

21 Finally, the topics of Mr. Hietalahti proposed testimony, just disclosed for the first time in  
22 Valjakka's Emergency Motion, bear little resemblance to the deposition testimony of Valjakka's  
23 damages expert. *See* Emergency Mot., at 2:6-10. The stated topics of testimony are also vague and  
24 comprised of a mixture of fact and legal testimony, testimony that is improper when voiced through  
25 counsel at-bar.

26 Netflix respectfully requests that the Court deny Mr. Valjakka's Emergency Motion to  
27 permit his personal attorney to testify on his behalf at tomorrow's preliminary injunction hearing.  
28

1 Dated: September 20, 2023

Respectfully submitted,

2 /s/ Rachael D. Lamkin

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